

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA
Case No. 1:23-cv-00423-WO-JLW

TIMIA CHAPLIN; KEVIN SPRUILL;
ROTESHA MCNEIL; QIANA ROBERTSON;
YOUSSEF JALLAL; MESSIEJAH BRADLEY;
PAULINO CASTELLANOS; ROBERT
LEWIS; and ALLEN SIFFORD, on behalf of
themselves and all others similarly situated,

Plaintiffs,

v.

WILLIE R. ROWE, in his official capacity as
the Sheriff of Wake County; BRIAN ESTES, in
his official capacity as the Sheriff of Lee
County; THE OHIO CASUALTY
INSURANCE COMPANY, as surety for the
Sheriff of Wake County and as surety for the
Sheriff of Lee County; TYLER
TECHNOLOGIES, INC.; NORTH CAROLINA
ADMINISTRATIVE OFFICE OF THE
COURTS; RYAN BOYCE, in his official
capacity as the Executive Director of the North
Carolina Administrative Office of the Courts;
BRAD FOWLER, in his official capacity as the
eCourts Executive Sponsor and Chief Business
Officer of the North Carolina Administrative
Office of the Courts; BLAIR WILLIAMS, in
his official capacity as the Wake County Clerk
of Superior Court; SUSIE K. THOMAS, in her
official capacity as the Lee County Clerk of
Superior Court; JOHN DOE SURETY, as the
surety for the Wake County Clerk of Superior
Court and the Lee County Clerk of Superior
Court; and DOES 1 THROUGH 20,
INCLUSIVE,

Defendants.

**CONSENT MOTION FOR
EXTENSION OF TIME TO
RESPOND TO DEFENDANT BRIAN
ESTES'S MOTION TO DISMISS**

Plaintiffs in the above-captioned action, by and through undersigned counsel and pursuant to Rule 6(b) of the Federal Rules of Civil Procedure and Local Civil Rule 6.1(a), hereby respectfully request the Court for permission to extend the time to respond to the Motion to Dismiss the First Amended Complaint filed by Defendant Brian Estes, the Sheriff of Lee County, *see* ECF No. 49, by forty-one (41) days to February 6, 2024. Defendant Estes consents to this motion. In support of this motion, Plaintiffs state the following:

1. Plaintiffs initiated this action on May 23, 2023. *See* ECF No. 1.
2. Plaintiffs filed a First Amended Complaint (“Complaint”) on October 27, 2023. *See* ECF No. 30. This is the operative Complaint.
3. On December 6, 2023, Defendant Estes filed a Motion to Dismiss the Complaint. *See* ECF No. 49. Under Local Rule 7.3(f), Plaintiffs’ deadline to respond to this motion is December 27, 2023.
4. On December 12, 2023, Defendant The Ohio Casualty Insurance Company filed an Answer. *See* ECF No. 51.
5. Currently, pursuant to extension orders and waivers of service, the deadline for the remaining Defendants to answer or move to dismiss the Complaint is January 16, 2023. *See* ECF Nos. 39-43, 47, 52. Under Local Rule 7.3(f), Plaintiffs’ deadline for responding to any motions to dismiss filed by the remaining Defendants would be February 6, 2024.
6. As the forgoing shows, the dates on which Plaintiffs’ responses fall due are currently different by more than a month. Plaintiffs therefore request a forty-one (41) day extension to respond to Defendant Estes’s Motion to Dismiss, which would consolidate all responsive deadlines to this and any future motions to dismiss filed by the remaining Defendants to February 6, 2024.

7. Plaintiffs' motion is filed in good faith and not for purposes of gamesmanship or delay.

8. Pursuant to Local Civil Rule 6.1 and prior to filing this motion, counsel for Plaintiffs consulted with counsel for Defendant Estes, who consented to this motion.

9. Plaintiffs respectfully submit that good cause exists for granting this motion, based on the above-described circumstances.

WHEREFORE, Plaintiffs move to extend the time to respond to the Motion to Dismiss filed by Defendant Estes', *see* ECF No. 49, and for an order scheduling Plaintiffs' new deadline for February 6, 2024, inclusive.

* * * Signature Block Appears on Next Page * * *

Respectfully submitted this the 20th day of December, 2023.

/s/ Gagan Gupta

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*reflects attorney appearing pursuant to
LR 83.1(d)

*Counsel for Plaintiffs on behalf of
themselves and all others similarly situated*

CERTIFICATE OF SERVICE

The undersigned attorney hereby certifies that the attorney is, and at all times hereinafter mentioned was, more than eighteen (18) years of age; and that on this day, copies of the foregoing will be served on the following by electronic mail or by the Court's Case Management / Electronic Case Filing ("CM/ECF") system:

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* * * Signature Block Appears on Next Page * * *

The undersigned attorney certifies under penalty of perjury that the forgoing is true and correct.

Respectfully submitted this the 20th day of December, 2023.

/s/ Gagan Gupta

Gagan Gupta (NCSB #: 53119)

*Counsel for Plaintiffs on behalf of
themselves and all others similarly situated*